

Douglas C. Smith, Esq. (SBN 160013)
 Daniel W. Ferris, Esq. (SBN 318813)
 SMITH LAW OFFICES, LLP
 4001 Eleventh Street
 Riverside, CA 92501
 Telephone: (951) 509-1355
 Facsimile: (951) 509-1356
 dsmith@smitlaw.com
 dferris@smitlaw.com

Attorney for Defendants
 OFFICER CHRISTOPHER ALLEN-YOUNG (erroneously sued
 herein as Torrance Police Department Officer Young), and
 OFFICER JOSHUA SATTERFIELD (erroneously sued
 herein as Torrance Police Department Officer Satterfield)

UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA

DIRUL ROBINSON, an individual,	) Case No.: 2:22-cv-05173-RGK(Ex)
)
Plaintiff,	) DEFENDANTS' REPLY TO
	) PLAINTIFF'S OPPOSITION
vs.	) TO DEFENDANTS' MOTION
	) IN LIMINE NO. 1 TO
CITY OF TORRANCE; TORRANCE	) EXCLUDE OTHER ALLEGED
POLICE DEPARTMENT; TORRANCE	) MISCONDUCT
POLICE DEPARTMENT OFFICER)
SATTERFIELD; TORRANCE POLICE	) Date: June 13, 2023
DEPARTMENT OFFICER YOUNG;	) Time: 9:00 a.m.
TORRANCE POLICE DEPARTMENT	) Courtroom: 850
OFFICER WALLACE; TORRANCE)
POLICE DEPARTMENT OFFICER)
TOMSIC; DOE POLICE OFFICERS 1-)
20, inclusive; and DOE)
CORRECTIONAL OFFICERS 1-20,	) <i>Complaint filed 7/26/22</i>
inclusive,	) <i>First Amended Complaint filed</i>
Defendants.	) <i>9/8/22</i>

1 Defendants submits the following Reply to Plaintiffs' Opposition to Defendants'
2 Motion in Limine No. 1 to Exclude Other Alleged Misconduct.

3 **I.**

4 **ARGUMENT**

5 Plaintiff's opposition first argues that Defendants Motion in Limine No.1 is not
6 specific, but then argues the specific evidence that the Motion in Limine No.1 seeks to
7 exclude, all other instances of complaints against these defendants. The evidence that
8 Plaintiff wishes to admit was produced pursuant to this Court's order and is under the
9 court's protective order. (Docket No.76&77.) Defendants' motion in limine was a
10 broad motion in limine to exclude all other complaints against these Defendants, which
11 is inadmissible under the Federal Rules of Evidence. Under Fed. R. Evid. 402, the
12 introduction of any past complaints against these Defendants would not be relevant to
13 proving whether they acted unlawfully on the day of the incident. Evidence of any
14 past complaints against Defendants is impermissible under Fed. R. Evid. 403. The
15 prejudicial effect substantially outweighs any probative value. See Old Chief v.
16 United States, 519 U.S. 172, 180 (1997).

17 Plaintiff's substantive argument for the admittance of the complaints against
18 these Defendants, the complaints are all after the subject traffic stop and are not related
19 to their conduct during the traffic stop, is "Defendants' prior bad acts and complaints
20 against them—particularly those weighing on their anti-black racism and approval of
21 civil rights violations—is highly probative of their motive and intent in turning off the
22 dashcam and unlawfully drawing their guns to threaten a car containing a group of
23 black men." (Opp. P.6:18-22.) As conceded in the Plaintiff's opposition, "the Graham
24 test for reasonableness in excessive force claims is objective in nature[.]" (Opp.
25 P.5:11-12.) This court has already issued a ruling on the relevance of that alleged bias
26 against these Defendants, "Defendants' proclivities are irrelevant for determining
27 liability for violations of the Fourth Amendment because "[t]he Fourth Amendment
28 inquiry is one of 'objective reasonableness' under the circumstances, and subjective

concepts like ‘malice’ and ‘sadism’ have no proper place in that inquiry.” Graham v. Connor, 490 U.S. 386, 399 (rejecting the Fourth Circuit's consideration of whether the individual officers acted in “good faith” or “maliciously and sadistically for the very purpose of causing harm.”).” (Docket 125 P.3.)

Character evidence is normally not admissible in a civil rights case. Cohn v. Papke, 655 F.2d 191, 193 (9th Cir. 1981). For instance, in Gates v. Rivera, the Court held that because “[t]he question to be resolved was whether, objectively, [the officer's] use of force had been excessive,” “[h]is past conduct did not bear on that issue.” Gates v. Rivera, 993 F.2d 697, 700 (9th Cir. 1993). As such, any and all complaints, not relating to this traffic stop, is not admissible.

II.

CONCLUSION

Based upon the foregoing, Defendants respectfully request the Court enter an Order granting Motion in Limine #1, precluding any reference or use of evidence at trial that defendants may have been the subject of a complaint not relating to this traffic stop.

DATED: June 2, 2023

SMITH LAW OFFICES, LLP

Daniel Ferris

By: _____

Douglas C. Smith
Daniel W. Ferris
Attorney for Defendants
OFFICER CHRISTOPHER ALLEN-
YOUNG (erroneously sued herein as
Torrance Police Department Officer Young),
and OFFICER JOSHUA SATTERFIELD
(erroneously sued herein as Torrance Police
Department Officer Satterfield)